

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

KENNETH L. MORRELL,

Petitioner

VS.

**UNITED STATES OF AMERICA,
STATE OF GEORGIA,**

Respondents

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CASE NO. 4:23-cv-00027-CDL-MSH

ORDER

Petitioner Kenneth L. Morrell, a prisoner at the Muscogee County CI in Columbus, Georgia, filed a petition for a writ of mandamus in this Court. ECF No. 1. Petitioner is challenging his 2022 criminal conviction and sentence in the Superior Court of Fulton County, Georgia. *Id.* at 1. Fulton County is located in the Northern District of Georgia. 28 U.S.C. § 90 (a)(2).

Section 2241(d) of Title 28 of the United States Code permits a state prisoner's habeas petition to be filed in the district within which the prisoner was convicted or in the district within which the prisoner is confined. The statute also allows for a discretionary transfer by the Court from one such district to the other. It is the long-standing policy and practice of the United States District Courts for the Middle, Northern, and Southern Districts of Georgia to cause all such petitions to be filed in, or transferred to, the district in which the state prisoner was *convicted*. *See Eagle v. Linahan*, 279 F.3d 926, 933 n.9

(11th Cir. 2001). Adherence to this practice and policy results in each district court considering habeas matters coming only from state courts within its jurisdiction and in an equitable distribution of cases between the districts of this State.

Consistent with this policy and practice, the present habeas corpus petition shall be **TRANSFERRED** to the **NORTHERN DISTRICT OF GEORGIA – ATLANTA DIVISION**, along with all orders, motions, affidavits, pleadings, and exhibits filed herein for further proceedings under 28 U.S.C. § 2254.

SO ORDERED, this **16th** day of **February, 2023**.

S/Clay D. Land
CLAY D. LAND, JUDGE
UNITED STATES DISTRICT COURT